Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:

Applicant	Contact
John Andes	Morgan Case, Trout Unlimited
300 Estates Drive	P.O. Box 412
Mount Joliet, Tennessee 37122	Helena, Montana 59624

2. Type of action: Application to Temporarily Change Water Right No. 76F 30117790

3. Water source name: Park Creek, tributary to Stonewall Creek

4. Location affected by project: Park Creek from the historical point of diversion in the SENENW of Section 1, T14N R9W, Lewis & Clark County, to the confluence of Park Creek and Stonewall Creek.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: On March 13, 2018, the Applicant submitted Application to Change Water Right No. 76F 30117790 to temporarily change the purpose and place of use of Statement of Claim No. 76F 97600-00 from irrigation to instream flow for the benefit of the fishery resource in Park Creek for a period of 10 years. The proposed project also includes the retirement of the 50-acre historically irrigated place of use and historical irrigation ditch system. The proposed period of use for instream flow is July 20 to September 1, and the proposed 1.1-mile instream place of use extends from the historical point of diversion in the SENENW of Section 1, T14N R9W to the confluence of Park Creek and Stonewall Creek in the NWSESE of Section 2, T14N R9W. As early as July 20 and once streamflows as measured below the historical point of diversion drop to a flow rate of 2.84 CFS (5.6 AF/day) the Applicant will protect that flow rate up to the historically diverted volume of 86.25 AF (15.4 days) instream. The DNRC shall issue a water right change authorization if an applicant proves the criteria in §§85-2-402 and -436, MCA, are met.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program:	Species of Concern
Montana Dept. of Fish, Wildlife, & Parks:	2005 Dewatered Stream List
Montana Dept. of Environmental Quality:	303(d) list of impaired streams
USDA Natural Resources Conservation Service:	Web Soil Survey

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

The Montana DFWP does not list Park Creek as a dewatered stream. DFWP studies conclude that Park Creek supports a population of resident westslope cutthroat trout upstream of the historical point of diversion and corroborate information provided by the Applicant's representatives at Trout Unlimited that fish sampling downstream of the Applicant's point of diversion identified few to zero fish during irrigation activities. This project will result in the retirement of all irrigation activity, and the amount of water requested for instream appropriation by the Applicant is intended to augment streamflows in the late summer when flows drop below 2.84 CFS.

Determination: No negative impact.

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

The proposed project will not alter nor adversely affect water quality in Park Creek. The purpose of this project is to retire all irrigation activity and irrigation water use and leave water instream for the benefit of the aquatic ecosystem. Streamflow augmentation resulting from this change in water use will help provide better habitat for critical aquatic species.

Determination: No negative impact.

Groundwater *- Assess if the proposed project impacts ground water quality or supply.*
If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: N/A as this change in water use does not involve groundwater.

DIVERSION WORKS *- Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

No new means of diversion are proposed to be constructed or installed, and all irrigation and diversionary activities will cease during the term of this temporary change.

Determination: No negative impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

The Montana Natural Heritage Program was consulted to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any "species of special concern" that could be impacted by the proposed project. The Applicant proposes to retire all irrigation and diversion of water from Park Creek during the term of this temporary change. This project will not result in the loss or negative alteration of any wildlife habitat.

Determination: No negative impact.

Wetlands **-** *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: Project does not negatively impact existing wetlands.

Ponds **-** *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No negative impact – project does not involve ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: This proposed change will not result in any negative impact to surrounding soils.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No negative impact.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

There will be no source of pollution associated with the change in water use that will alter air quality.

Determination: No negative impact.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A – project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No negative impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No negative impact.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No negative impact.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No negative impact

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
Yes ___ No _X_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No negative impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* None identified.

(b) *Local and state tax base and tax revenues?* None identified.

(c) *Existing land uses?* Irrigated footprint will be reduced – no negative impacts.

(d) *Quantity and distribution of employment?* None identified.

(e) *Distribution and density of population and housing?* None identified.

(f) *Demands for government services?* None identified.

(g) *Industrial and commercial activity?* None identified.

(h) *Utilities?* None identified.

(i) *Transportation?* None identified.

(j) *Safety?* None identified.

(k) *Other appropriate social and economic circumstances?* None identified.

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts None identified.

Cumulative Impacts None identified.

3. Describe any mitigation/stipulation measures: None identified.

4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider: No reasonable alternatives were identified.

Part III. Conclusion

1. Preferred Alternative: None identified.

2 Comments and Responses

4. *Finding:*
Yes ___ No _X_ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

An EIS is not the appropriate level of analysis for the proposed action because no significant negative impacts were identified.

Name of person(s) responsible for preparation of EA:

Name: Danika Holmes
Title: Hydrologist/Water Resource Specialist
Date: October 1, 2020